

Remarks

With this paper, Applicant has amended claims 1 and 11. New claims 19 and 20 are presented. Claims 1 through 20 are presented for examination. Support for the amendments may be found throughout the specification as filed, including the documents and references cited and incorporated therein.

Claims 1-6 and 11-18 were rejected under 35 U.S.C. §102(b) in view of Sandstrom (5,631,171). Applicant notes the detailed quotations from the Sandstrom patent that are included within the Office Action. Unlike Sandstrom, the present invention provides an apparatus for reading a chemical indicator for monitoring a sterilization process comprising, in part, an illumination source for directing energy toward a chemical indicator of the type comprising a substantially flat surface and a sterilizing agent sensitive ink associated with the surface, the ink providing a first indicating state prior to being exposed to the sterilization process, and a second indicating state after being exposed to at least a portion of the sterilization process, the first and the second indicating states being distinguished one from the other by color the surface, the illumination source positioned to direct the energy toward the substantially flat surface; and a detector for collecting energy reflected from the surface and for providing a signal indicative of the color of the surface based on the energy from the substantially flat surface. (See, e.g., amended claim 1). In contrast, Sandstrom relies on the polarization characteristics of the light reflected by a sample, rather than the wavelength, to determine the properties of thickness or refractive index.

Claims 1, 4-7, 9-11, 12 and 14-18 were rejected under 35 U.S.C. §102(e) in view of Howard III, et al. (6,180,409). Howard discloses an apparatus for inspecting a reagent strip that has been exposed to a fluid sample. Applicant has noted the lengthy excerpt in the Office Action taken from column 3 of the Howard disclosure. However, Applicant has noted no teaching within the Howard disclosure of an apparatus for reading a chemical indicator for monitoring a sterilization process comprising, in part, an illumination source for directing energy toward a chemical indicator of the type comprising a substantially flat surface and a sterilizing agent sensitive ink associated with the surface, the ink providing a first indicating state prior to being exposed to the sterilization process, and a second indicating state after being exposed to at least a portion of the sterilization process, the first and the second indicating states being distinguished one from the other by color the surface, the illumination source positioned to direct the energy toward the substantially flat surface; and a detector for

collecting energy reflected from the surface and for providing a signal indicative of the color of the surface based on the energy from the substantially flat surface (see Applicant's claim 1).

Claims 1, 4-10, 12 and 14-18 were rejected under 35 U.S.C. §102(e) in view of Bolea (6,063,591). Bolea the reference is quite different from the present invention by being drawn toward interpreting the fluorescence of a biological indicator, rather than the color of a chemical indicator according to the present invention. The present invention determines the color of the indicator, e.g. claim 1 requires "...a detector for collecting energy reflected from the surface and for providing a signal indicative of the color of the surface based on the energy from the surface...". Bolea teaches away from the present invention because Bolea knows what color it is looking for (i.e. the fluorescence of the converted substrate, see the reference at the paragraph starting at col. 3, line 66), and is only interested in distinguishing in the least possible time from the background autofluorescence whether the intensity of the light at that known color is increasing in a significant way (e.g., see the reference at col. 5, line 38 and following).

In view of the foregoing, Applicant respectfully requests the reconsideration and the withdrawal of the various rejections contained in the recent Office Action.

Applicant has endeavored to address all of the issues raised in the recent Office Action. It is believed that the application is in condition for allowance, and the allowance of all claims is now requested.

Respectfully submitted,

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By: Daniel R. Pastirik
Daniel R. Pastirik, Reg. No.: 33,025
Telephone No.: (651) 737-2685

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833